

AFFIDAVIT OF [NAME] [DATE]

Write your first and last name and date

COURT DETAILS

Court Write 'Local Court'
#Division Write 'Small Claims Division'
#List Delete or leave blank
Registry Write the court where statement of claim was filed
Case number Write the case number from statement of claim

TITLE OF PROCEEDINGS

[First] plaintiff [name]
#Second plaintiff #Number of
plaintiffs (if more than two)

[First] defendant [name]
#Second defendant #Number
of defendants (if more than
two)

FILING DETAILS

Filed for [name] [role of party eg plaintiff] Write your name,
defendant
#Filed in relation to [eg plaintiff's claim, (number) cross-claim] Delete or leave
blank
[include only if form to be eFiled]
#Legal representative [solicitor on record] [firm] Delete or leave blank
#Legal representative [reference number] Delete or leave blank
reference
Contact name and telephone [name] [telephone] Write your name and telephone number
Contact email [email address] Write your email address

[on separate page]

AFFIDAVIT

Name Write your name
Address Write your address
Occupation Write your occupation
Date Write the date you signed this document

I [#say on oath #affirm]: Delete whichever does not apply

1 #I am [role of deponent]. Write 'the defendant'.

2 [state information to be included in the affidavit in numbered paragraphs].

3 The information should include:

- a. the reason why you did not file a defence within 28 days of the service of the statement of claim
- b. if relevant, the reason why you delayed making this application to set aside judgment
- c. the grounds (basis) of your defence to the statement of claim. You will need to show you have an arguable defence.
- d. any other relevant information.

#SWORN #AFFIRMED at	Write the town/suburb where affidavit signed
Signature of deponent	Sign in this space once you have completed the affidavit
Name of witness	An authorised person must witness your signature. Write their name in this space
Address of witness	Write the address of the witness
Capacity of witness	[#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public] Delete those that do not apply

Your witness will need to fill out these details and should know what to include

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 #I saw the face of the deponent. [OR, delete whichever option is inapplicable]
 #I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.*
- 2 #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]
 #I have confirmed the deponent's identity using the following identification document:

Identification document relied on (may be original or certified copy)[†]

Signature of witness	Your witness needs to sign
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Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

[* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[† "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see [Oaths Regulation 2011](#) or refer to the guidelines in the NSW Department of Attorney General and Justice's "[Justices of the Peace Handbook](#)" section 2.3 "Witnessing an affidavit" at the following address: <http://www.jp.nsw.gov.au/Documents/jp%20handbook%202014.pdf>]

[on separate page]

INTERPRETER'S AFFIDAVIT (leave blank if not applicable)

Name

Address

Occupation

Date

I [#say on oath #affirm]:

- 1 I am an accredited interpreter as defined in the *Uniform Civil Procedure Rules 2005* in the following languages [provide details of the languages].
- 2 My [#accreditation #registration #recognition] to interpret the languages set out in paragraph 1 has been issued by [provide details of the recognised agency].
- 3 On [date] I sight translated the above affidavit of [name] dated [date] (the **Affidavit**) to [name] (the **Deponent**) in the [specify language] language.
- 4 Before translating the Affidavit, I:
 - a. read the code of conduct contained in Schedule 7A to the *Uniform Civil Procedure Rules 2005* and agreed to be bound by it; and
 - b. was given adequate opportunity to prepare to sight translate the Affidavit.
- 5 After I sight translated the entire Affidavit to the Deponent, the Deponent then:
 - a. informed the person responsible for the preparation of the Affidavit through me that the Deponent understood my interpretation and agreed with the entire contents of the Affidavit; and
 - b. [#swore #affirmed] the Affidavit in my presence.

#SWORN #AFFIRMED at

Signature of deponent _____

Name of witness _____

Address of witness _____

Capacity of witness **[#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public]**

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 #I saw the face of the deponent. [OR, delete whichever option is inapplicable]
 #I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.‡
- 2 #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]
 #I have confirmed the deponent's identity using the following identification document:

Identification document relied on (may be original or certified copy)§

Signature of witness _____

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

[‡ The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[§ "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see [Oaths Regulation 2011](#).]